

SENATE BILL 9038

By Pody

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 50; Title 63 and Title 68, relative to
restrictions regarding COVID-19.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding the following
as a new chapter:

68-16-101. Chapter definitions.

As used in this chapter:

(1) "COVID-19" means the novel coronavirus, SARS-CoV-2, and
coronavirus disease 2019, including a mutation of the novel coronavirus, SARS-
CoV-2, and coronavirus disease 2019;

(2) "Government mandate" means an official statement from a state,
local, or federal governmental entity that prescribes action relative to COVID-19;

(3) "Mask" means a material used to cover the nose and mouth of a
person to impede the spread of saliva or other fluids during speaking, coughing,
sneezing, or other intentional or involuntary action to prevent or reduce the
spread of COVID-19;

(4) "Medical intervention":

(A) Means a shot, prophylactic treatment, or other therapeutic for
the treatment of COVID-19;

(B) Includes a treatment for COVID-19 covered by an emergency
use authorization by the federal food and drug administration or that is
still in experimental trials; and

(C) Does not include a vaccine;

(5) "Person" includes one (1) or more individuals, governmental entities, or legal entities;

(6) "Shot" means a subcutaneous injection related to the treatment for COVID-19; and

(7) "Vaccine" means a suspension of usually attenuated live or inactivated microorganisms or fractions thereof administered to induce immunity and prevent infectious diseases and their sequelae.

68-16-102. Refusal of medical intervention.

(a) A person shall not require another individual to receive a medical intervention for COVID-19 in order to access the goods, services, amenities, opportunities, or other provisions offered by the person.

(b) A government mandate shall not require an individual to receive a medical intervention for COVID-19 in order to access the goods, services, amenities, opportunities, or other provisions offered by the person.

(c) A government mandate in violation of subsection (b) is void and unenforceable.

68-16-103. Refusal of mask wearing.

(a) A person shall not require another individual to wear a mask in order to access the goods, services, amenities, opportunities, or other provisions offered by the person.

(b) A government mandate shall not require an individual to wear a mask in order to access the goods, services, amenities, opportunities, or other provisions offered by the person.

(c) A government mandate in violation of subsection (b) is void and unenforceable.

68-16-104. Enforcement.

(a)

(1) An individual who is required to receive a medical intervention for COVID-19 or wear a mask in violation of this chapter may enforce this chapter by means of a civil cause of action.

(2) A person found to violate this chapter is liable for the actual damages caused by such violation and such other amount as may be determined by a jury or a court sitting without a jury, but in no case less than two hundred fifty dollars (\$250), and, in addition to such damages and other amounts, reasonable attorney's fees and court costs as may be determined by the court.

(b)

(1) A person who violates this chapter may be enjoined from such action by a court of competent jurisdiction.

(2) An action for injunction under this subsection (b) may be brought by the individual who is required to receive a medical intervention for COVID-19 or wear a mask in violation of this chapter.

(c) This chapter does not preclude an individual from seeking any other remedies or penalties provided by law.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.